

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC.)	CASE NO. 1:08 CV 2755
)	
Plaintiff,)	JUDGE LESLEY WELLS
)	
v.)	
)	
SAP AMERICA, INC., et al.)	
)	
Defendants.)	
)	

**PLAINTIFF’S OBJECTIONS TO THE SUPPLEMENTAL TRIAL EXHIBIT LIST OF
DEFENDANTS SAP AMERICA, INC. AND SAP AG**

Plaintiff Hodell-Natco Industries, Inc., through undersigned counsel, submits the following Objections to the Supplemental Trial Exhibit List [ECF #231] filed by Defendants SAP America, Inc. and SAP AG (“Defendants” or “SAP”).

GENERAL OBJECTIONS

1. SAP’s Supplemental Exhibit List was filed on October 8, 2014, two weeks after the deadline set by the Court for the filing of Exhibit and Witness Lists. SAP’s Supplemental Exhibit List discloses ninety-five (95) new exhibits, most of which were not marked at depositions or used by SAP during motion practice. This Supplemental Exhibit List was served the day after Hodell’s Objections to SAP’s original Exhibit List were filed. Thus, Hodell reserves the right to object to the introduction of any of the exhibits identified on SAP’s Supplemental Exhibit List as untimely disclosed.

2. Plaintiff objects to all exhibits for which a proper foundation has not been laid. Plaintiff specifically reserves the right to raise objections regarding foundation at the trial of this matter.

3. Plaintiff objects to all exhibits not marked at depositions taken in this matter, and specifically reserves the right to object to any such exhibits at the trial of this matter.

4. Plaintiff specifically reserves the right to raise at trial any objection to any exhibit or witness testimony proffered by any party on the grounds of relevance, hearsay, authenticity, or other grounds depending upon how such exhibits may be used, introduced, or offered at trial.

5. Plaintiff reserves the right to object to any exhibit depending upon the purpose for which it is offered at trial, and objects to any exhibit to the extent it is used for a purpose that is the subject of any motion in limine filed, or to be filed by Hodell.

6. Plaintiff reserves the right to object to the introduction of any exhibits or witness testimony on any basis that may become apparent during the course of trial including, without limitation, the grounds of parol evidence, hearsay and authenticity.

7. Plaintiff reserves the right to withdraw, amend, or supplement any of the objections made below prior to or during the trial of this matter.

8. With respect to each Exhibit identified on SAP's Supplemental Exhibit List, Hodell objects that each Exhibit will be inadmissible hearsay unless SAP can establish at trial that it will be used for a non-hearsay purpose and/or that an exception to the hearsay rule is applicable.

9. Hodell objects to the relevance and admissibility of each Exhibit identified on SAP's Supplemental Exhibit List under Fed.R.Civ.P. 401, 402, 403, 404, 405, 406, 407 and 408.

10. Hodell objects to the admissibility of each Exhibit identified on SAP's Supplemental Exhibit List on the basis that it is cumulative and will result in the undue delay of the trial of this matter.

Respectfully submitted,

/s/ P. Wesley Lambert
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Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October, 2014 a copy of the foregoing Objections to the Supplemental Trial Exhibit List of SAP America, Inc. and SAP AG was filed and served electronically upon counsel for SAP, and was sent by Email and Regular United States Mail to the following parties:

LSI-Lowery Systems, Inc.
c/o Chris Kellett
cpk@carmodymacdonald.com

IBIS Group, Inc
1800 W. Hawthorne Lane, Suite N
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/s/ P. Wesley Lambert
P. Wesley Lambert (0076961)